

ANALYSIS

This ordinance amends Title 6 - Salaries, of the Los Angeles County Code by:

- Amending Section 6.21.010 to permit the donation of compensatory leave to employees with a serious or catastrophic illness or injury.

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By: _____
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ORDINANCE NO. _____

An ordinance amending Title 6 - Salaries of the Los Angeles County Code, by permitting the donation of compensatory leave to employees with serious or catastrophic illness or injury.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 6.21.010 is hereby amended to read as follows:

6.21.010 Leave donation for nonrepresented employees.

To provide assistance to nonrepresented employees who have a serious or catastrophic illness or injury, or who are absent due to an emergency specifically declared by the board of supervisors, full pay sick leave, vacation hours, ~~and~~ nonelective annual leave, and compensatory time may be transferred from one or more nonrepresented employees and donated to another nonrepresented employee, on an hour-for-hour basis, upon the request of both the receiving employee and the transferring employee(s), and upon approval of the receiving employee's appointing authority or designee under the following conditions:

A. To qualify for leave donation the receiving employee must be absent from work due to injury or the prolonged illness of the employee, must have exhausted or will foreseeably exhaust all earned leave hours including but not limited to sick leave, vacation (including elective and nonelective annual leave), compensatory time and holiday credits, and is therefore facing the loss of salary and benefits. An employee who is receiving benefits for a work-related illness or injury under Section

6.20.070 of the County Code or Section 4850 of the Labor Code is not eligible for leave donations. However, an employee who is only receiving state-mandated workers' compensation benefits for such illness or injury is eligible.

Employees who are absent from work due to an emergency as declared by the board of supervisors are eligible to participate in this leave donation program to the extent such employees have exhausted, or will foreseeably exhaust all earned leave hours except full and part pay sick leave.

B. The transfers are voluntary. Transfers are to be a minimum of one hour and in whole hour increments thereafter.

C. Transfers are made from accrued full pay sick leave, vacation, ~~or~~ nonelective annual leave, or compensatory leave balances. All current and deferred vacation hours and nonelective annual leave may be donated. However, only that portion of full pay sick leave in excess of 160 hours may be donated. Transfers for employees who are absent due to an emergency as declared by the board of supervisors are limited to current and deferred vacation hours and nonelective annual leave.

D. Transfers shall be allowed to cross departmental lines upon approval of the appointing authority of the receiving department or his/her designee in accordance with policies of the receiving departments.

E. Transfers of full pay sick hours will not count as sick leave used for purposes of applying Section 6.20.030F2 for the donating employee and will not adversely affect such employee's right to be paid for sick leave hours in lieu of carrying such hours as provided in that section.

F. Transfers are irrevocable. If any donated hours remain at the end of the employee's catastrophic or emergency leave, they shall remain for the sole use of the recipient, as otherwise permitted by the County Code, except that if the employee dies, the remaining 100% sick leave must be returned to the donor on a "last in first out basis." However, donated compensatory time that is not used is deemed lost at the end of the calendar year following the year in which it was donated, unless otherwise authorized by the chief administrative officer.

G. The total transfer credits received by an employee shall not exceed 1040 hours, unless specifically approved by the employee's appointing authority or his/her designee. Any donated leave used by a recipient who is a salaried-exempt employee under the Fair Labor Standards Act must be taken as provided in Chapter 6.09 of the County Code.

H. Upon approval of a request for donations, the appointing authority (or his/her designee) shall, at the employee's request, post a notice of the eligible employee's need for donations on departmental bulletin boards accessible to employees. Confidential medical information shall not be included in the notice, unless specifically requested by the eligible employee, and the employee waives confidentiality as to using such information in writing.

I. Donations shall be administered according to procedures established by the auditor-controller and chief administrative officer. Signed approvals of the receiving and donating employees must be provided in accordance with such procedures before a donation is processed.

SECTION 2. Pursuant to Government Code Section 25123(f), this ordinance shall take effect immediately upon final passage.

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